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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
vs.)	Case No. 03-40142-01/02-JAR
)	
)	
DAVID C. WITTIG, and)	
DOUGLAS T. LAKE)	
Defendants.)	
_____)	

ORDER MEMORIALIZING AUGUST 10, 2004 RULINGS

_____This matter is before the Court on numerous pretrial motions filed by defendants David Wittig and Douglas Lake. A hearing was held on August 10, 2004. Defendant Wittig appeared in person and through counsel, Adam Hoffinger, Paula Junghans and Rob Rogers. Defendant Lake appeared in person and through counsel, Edward Little, Christopher Wilson and Gaye Tibbets. The government appeared by Assistant United States Attorney Richard Hathaway. After hearing arguments and statements of counsel, the court made rulings from the bench on several of the motions.¹ For the reasons stated on the record,

IT IS THEREFORE ORDERED BY THE COURT that:

1. Defendants' Motions to Join in All Motions (Doc. 86 and 105) are GRANTED;

¹The Court took under advisement defendant Wittig's Motion to Suppress Grand Jury Testimony (Doc. 92) and defendant Lake's Supplemental *Jones* Submission and Renewed Request to Modify Restraining Order (Doc. 144). Those matters will be addressed in separate orders.

2. Defendant Lake's Motion to Strike Surplusage from the Indictment (Doc. 82) is DENIED;
3. Defendant Lake's Motion to Sever (Doc. 84) is DENIED;
4. Defendant Lake's Motion for Witness List (Doc. 88) is GRANTED IN PART; the government shall provide defendants its Witness and Exhibit List ten (10) days before trial; defendants shall provide the government their respective Witness and Exhibit Lists five (5) days before trial;
5. Defendant Wittig's Motion for Production of Exculpatory and Impeachment Evidence (Doc. 94) is DENIED AS MOOT;
6. Defendant Wittig's Motion for Discovery and Production of Evidence (Doc. 96) is DENIED AS MOOT;
7. Defendant Wittig's Motion to Permit Attorney Voir Dire (Doc. 98) is GRANTED;
8. Defendants' Motions to Dismiss the Indictment (Docs. 90, 99, 101, 103 and 106) are DENIED AS MOOT as to Counts 2, 4, 7, and 9 through 12; the Court defers ruling on the motions to dismiss the remaining Counts of the Superseding Indictment, including Count 40,² until the pretrial motions hearing scheduled for September 13, 2004;
9. Defendants' Motions for Bill of Particulars (Docs. 88 and 97) are GRANTED IN PART with respect to Count I, paragraph 23, subsections (A) through (T) of the Superseding Indictment; by August 20, 2004, the government shall identify the alleged

²Although the Court initially intended to rule at this time on the motions to dismiss Count 40 relative to forfeiture, it has deferred ruling on these issues in light of its separate ruling on defendant Lake's renewed motion to modify the restraining order.

concealment or misrepresentation, who it was communicated to or not communicated to and if such communication was required; or alternatively, that it is an overt act that does not constitute a concealment or misrepresentation; defendants shall have until September 3, 2004 to respond.

IT IS SO ORDERED.

Dated this 13th day of August 2004.

S/ Julie A. Robinson
Julie A. Robinson
United States District Judge